



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

PDC 03-031, Planned Development Rezoning from RM – Residence District to A (PD) Planned Development to allow the construction of up to (4) four single family detached and (2) two single-family attached residences and subsequent subdivision on approximately 0.46 acres, located on the northerly side of Vera Lane, approximately 200 feet westerly of Roeder Road. (Kawadri Trust, Owner, Kawadri Trust, Developer). Council District: 2

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **January 8, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **December 19, 2003** and ends on **January 8, 2004**.

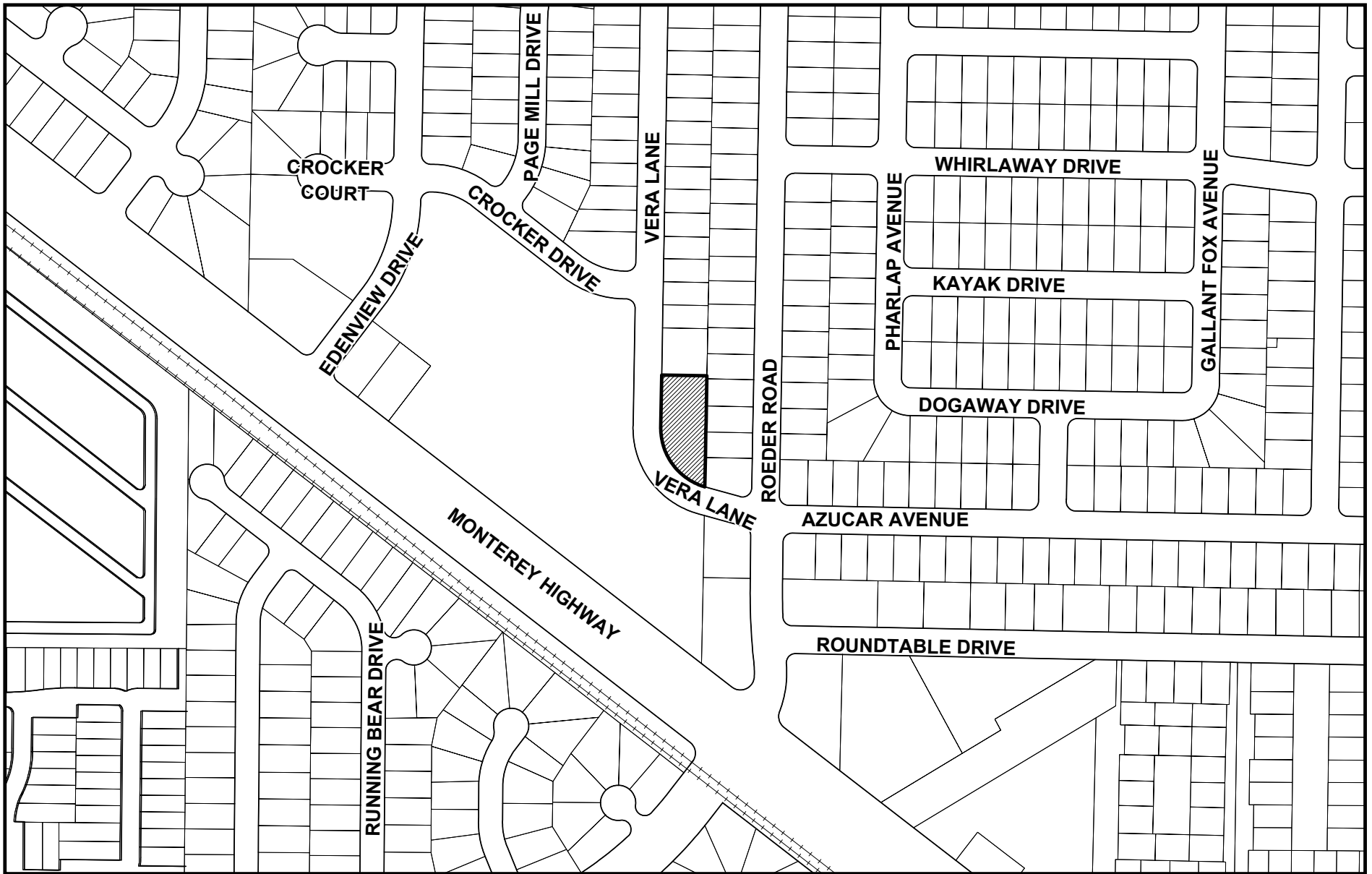
A public hearing on the project described above is tentatively scheduled for **February 11, 2004 at 6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Santa Teresa Branch Library, 290 International Circle, San José, CA 95119 San Jose, and online at www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Jeff Roche** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: _____

Deputy

MNDPN/SBA/2/11/03



Scale: 1"=300'

Created on 04/17/03

File No: PDC03-031

District: 02

Quad No: 115

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Vera Lane Homes

PROJECT FILE NUMBER: PDC 03-031

PROJECT DESCRIPTION: Planned Development Rezoning from RM – Residence District to A (PD) Planned Development to allow the construction of up to (5) five single-family detached residential units and subsequent subdivision on approximately 0.46 acres.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Located on the northerly side of Vera Lane, approximately 200 feet westerly of Roeder Road. APN’s 684-27-054, 055, & 056

COUNCIL DISTRICT: 2

NAME OF APPLICANT: Kawadri Trust

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON: c/o Mazen Kawadri, 3461 Loes Way, San Jose, CA 95127 (408) 892-7777

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

1. Air Quality. The BAAQMD has prepared a list of feasible construction dust control measures that are expected to reduce construction impacts to less-than-significant levels. The following mitigation will be implemented during all phases of construction on the project site:
 - a.) Water all active construction areas at least twice daily or as often as need to control dust emissions.
 - b.) Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
 - c.) Pave, apply water twice daily or as often as necessary to control dust, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas and construction areas.
 - d.) Sweep daily or as often as necessary with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
 - e.) Sweep public streets daily or as often as needed to keep streets free of visible soil material.
 - f.) Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
 - g.) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles
 - h.) Limit vehicle traffic speeds on unpaved roads to 15 mph.
 - i.) Replant vegetation in disturbed areas as quickly as possible.
2. Cultural Resources. In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
 - a.) In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

3. Erosion/ Construction. The following measures have been included to reduce potential construction-related erosion impacts:
 - a.) All excavation and grading work will be schedule in dry weather months or construction sites will be weathered to withstand or avoid erosion.
 - b.) Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting
 - c.) Existing vegetation will be removed only when it is absolutely necessary.
 - d.) Vegetation is disturbed areas will be replanted as quickly as possible.
4. Water Quality. The following measures based on Regional Water Quality Control Board Best Management Practices, are included in the project to reduce potential construction related water quality impacts:
 - a.) Burlap bags filled with drain rock will be installed around storm drains during construction to route sediment and other debris from the drains.
 - b.) Earthmoving or other dust producing activities would be suspended during periods of high winds.
 - c.) All exposed or disturbed soil surfaces would be watered at least twice daily or as often as necessary to control dust.
 - d.) Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
 - e.) All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
 - f.) All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily with water sweepers.
 - g.) Vegetation in disturbed areas would be replanted as quickly as possible.
 - h.) Storm Water Permit administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses, the applicant will file a Notice of Intent to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. The following measures would be included in the SWPPP:
 - Preclude non-stormwater discharge to the stormwater system.
 - Effective, site specific Best Management Practices for erosion and sediment control during the construction and post-construction periods.
 - Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.
 - Perform monitoring of discharge to the storm water system.

- i.) The project will submit a copy of the draft SWPPP to the City of San Jose for review and approval prior to construction of the project site. The certified SWPPP will be posted at the project site and will be update to reflect current site conditions.
 - j.) When the construction phase is complete, a Notice of Termination for the General Permit for Construction will be filed with the Regional Water Quality Control Board and the City of San Jose. The Notice of Termination will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.
 - k.) As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (i.e. sweeping, maintaining vegetative swales, cleaning storm water inlet filters, litter control, and other activities as specified by the City) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Stormwater catch basins will be stenciled to discourage illegal dumping.
5. Construction Noise. The following measures have been included to reduce potential construction related noise impacts.
- a.) Construction activities will be limited to the period between 7:00 A.M. and 7:00 P.M. Monday through Friday.
 - b.) The contractor will be required to use “new technology” power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site would be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created faulty or poorly maintained engines or other components.
 - c.) The developer will implement a Construction Management Plan approved by the City to minimize impacts on the surrounding sensitive land uses, particularly the residences, to the fullest extent possible. The Construction Management Plan would include the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
 - Early and frequent notification and communication with the neighborhood and other land uses of the construction activities, including the onset, expected consequences, and actual consequences of various construction activities, as well as a commitment to, whenever possible, reduce problems that occur.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **January 8, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or

- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: _____

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Adopted on: _____

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